



Appeal Decision

Site visit made on 4 October 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2021

Appeal Ref: APP/F3545/W/21/3272887

New England Cottages, New England Lane, Cowlinge, Suffolk CB8 9HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Robson against the decision of West Suffolk Council.
 - The application Ref DC/20/0908/FUL, dated 1 June 2020, was refused by notice dated 13 January 2021.
 - The development proposed is the replacement of two semi-detached dwellings with two new detached dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Robson against West Suffolk Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed replacement dwellings on the character and appearance of the area.

Reasons

Character and appearance

4. The proposal is to replace Nos 1 and 2 New England Cottages, a pair of semi-detached cottages on the northern side of New England Lane, with two three bedroom detached houses. The site lies in a rural setting within the parish of Cowlinge. Opposite lie Bridge's Farm and Bridges Farm Barn, both substantial properties in good sized grounds, and to the east, Mulligans Yard, an equine business with various large buildings. The appellant points out these nearby properties are prominent, on higher ground, and include extensions and/or ancillary buildings. However, the circumstances of each of these sites are different and they have no bearing on the merits of this case.
5. Policy DM5 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 (JDMPD) allows for the replacement of a dwelling in the countryside on a one for one basis where the proposal respects the scale and floor area of the existing dwelling.
6. In this case the semi-detached houses are modest, together comprising just 220 sq m of floorspace over two floors with a footprint of 150 sq m. By

contrast, the two new detached houses would comprise 380 sq m of floorspace with a footprint of 206 sq m, a significant increase in both statistics. In terms of design, the existing dwellings are unassuming and low profile, with eaves 4.5 m high, a fully hipped roof rising to a short ridge only 6.35 m high and a tall but slender brick chimney stack. The new houses, whilst retaining low eaves lines, would have steeper, full width duo-pitched roofs with gable ends, resulting in longer and higher ridgelines. The houses would be spaced out within the site and one would be gable end to the lane. As a result of all these factors, the visual bulk of the two houses would be markedly greater than the existing cottages on the site, and despite its well vegetated boundaries, this would have a corresponding adverse impact on the character and appearance of this attractive rural area.

7. The case for additional floorspace and footprint is based on planning permission DC/13/0349/HH granted in 2013 for a part single part two storey extension to No 1. If built, this would result in 380 sq m of floorspace on the site, the amount now proposed. The Council accepts that this permission remains extant as some footings have been excavated.
8. This permission is a fallback position, but the weight to be attached to it is a matter for the decision maker¹. In this case the potential extension would be an unusual idiosyncratic design, no work has been carried out for a long time² and the host building as well as No 2 next door are unoccupied and in a poor state of repair³. Both properties would require considerable investment in addition to the cost of the extension and No 2 would still be small. In the circumstances it is less than likely that the permission would be built out should the current scheme not go ahead.
9. In any event, the extension would provide mainly single storey accommodation to the side and even more to the rear of No 1, thus minimising its impact on the wider countryside and its built appearance from the lane. Only a small stairwell element would be at first floor level, and this would be mainly in glass to reduce its visual impact. Due to their spacing, two storey height and pitched roof form compared to the unassuming and low-profile nature of the existing cottages, the visual impact of the two houses would be significantly greater than Nos 1 and 2 with the extension in place. Contrary to the appellant's claim, the spread of buildings on the site would be wider and they would result in a more visually intrusive form of development.
10. Consequently, due both to its relative likelihood and lower impact on the rural area, the fallback position represented by the extant planning permission does not justify the scale and floor area of the current proposal.
11. In addition, there would be an awkward relationship between the new houses, with the front facing first floor windows of No 2 overlooking diagonally the restricted rear garden area of No 1. Whilst the materials, red clay pantile roofs and black painted weatherboarding, would be characteristic of the rural area and perhaps a barn conversion, the unusual proportions of the buildings and extensive floor to ceiling windows would not. Overall, the proposal would not represent high quality design in its context.

¹ Gambone v SSCLG [2014] EWHC 952 (Admin)

² The footings must have been dug by 2016.

³ The appellant states that the existing dwellings are uninsulated with no damp proof course and their timber frames are rotten.

12. For these reasons the proposal would significantly harm the character and appearance of the area in conflict with JDMPD Policies DM5, DM2 and DM22. These require replacement dwellings to respect the scale and floor area of the existing and development generally to maintain local character, to recognise local distinctiveness and to create a sense of place. The new dwellings would also conflict with Policy CS3 of the St Edmundsbury Core Strategy 2010 which requires proposals to enhance the area. The other policies listed in the Council's decision notice are not particularly relevant.

Other matter

13. For reasons that are not explained, the application site excludes the access and parking area associated with No 1 in planning permission DC/13/0349/HH. There would consequently be no mechanism to ensure satisfactory access and parking arrangements for No 1 should the current appeal be successful.

Conclusion

14. The proposal would provide two three bedroom detached dwellings built of sustainable materials and to modern day standards. The fallback position is discussed in paragraphs 7-10. However, these material considerations do not outweigh the adverse impact on the character and appearance of the area and the resulting conflict with the development plan.
15. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR